

381632.1
 WATANABE ING & KOMEIJI LLP
 A Limited Liability Law Partnership

1ST CIRCUIT COURT
 STATE OF HAWAII
 FILED

2007 JAN 19 AM 11:01

JOHN T. KOMEIJI #2498-0
 GREGG M. USHIRODA #5868-0
 KAREN Y. ARIKAWA #7684-0
 23rd Floor, First Hawaiian Center
 999 Bishop Street
 Honolulu, Hawaii 96813
 Telephone No. (808) 544-8300

J. KUBO
 CLERK

Attorneys for Defendant
 DELOITTE & TOUCHE LLP

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and	)	CIVIL NO. 02-1-0090-01 (BIA)
HAWAII CHILDREN'S BLOOD AND	)	(Other Civil Action)
CANCER GROUP,	)	ORDER GRANTING DEFENDANT
Plaintiffs,	)	DELOITTE & TOUCHE LLP'S MOTION
vs.	)	FOR SUMMARY JUDGMENT AS TO COUNT
HAWAI`I PACIFIC HEALTH;	)	IX (DEFAMATION) OF THE SECOND
KAPI`OLANI MEDICAL	)	AMENDED COMPLAINT FILED ON
SPECIALISTS; KAPI`OLANI	)	FEBRUARY 17, 2005
MEDICAL CENTER FOR WOMEN and)	
CHILDREN; ROGER DRUE; FRANCES	)	<u>Hearing:</u>
A. HALLONQUIST; NEAL WINN,	)	Date: <u>September 21, 2006</u>
M.D.; SHERREL HAMMAR, M.D.;	)	Time: <u>10:30 a.m.</u>
DELOITTE & TOUCHE LLP; DENNIS	)	Judge: <u>Hon. Bert I. Ayabe</u>
M. WARREN, ESQ.; JOHN DOES 1-)	
99; JANE DOES 1-99; DOE	)	Trial: October 1, 2007
ENTITIES 1-20; AND DOE)	
GOVERNMENTAL UNITS 1-10,)	
Defendants.)	
)	
)	

ORDER GRANTING DEFENDANT DELOITTE & TOUCHE LLP'S
MOTION FOR SUMMARY JUDGMENT AS TO COUNT IX (DEFAMATION) OF THE
SECOND AMENDED COMPLAINT FILED ON FEBRUARY 17, 2005

Defendant DELOITTE & TOUCHE LLP (hereinafter "D&T") having filed its Motion for Summary Judgment as to Count IX (Defamation) of the Second Amended Complaint Filed on February 17, 2005 ("Motion") on April 13, 2006; said Motion having been set for hearing before the Honorable Bert I. Ayabe on September 21, 2006 at 10:30 a.m.;

John T. Komeiji, Esq. and Karen Y. Arikawa, Esq. having appeared on behalf of Defendant D&T; Kenneth S. Robbins, Esq. having appeared on behalf of Defendants HAWAII PACIFIC HEALTH,¹ KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN, ROGER DRUE, FRANCES A. HALLONQUIST, NEAL WINN, M.D., SHERREL HAMMAR, M.D. (collectively referred to as "HPH Defendants"); John S. Nishimoto, Esq. and Michael J. Van Dyke, Esq. having appeared on behalf of Defendant DENNIS M. WARREN, ESQ.; and Rafael G. del Castillo, Esq. and Arleen D. Jouxson-Meyers, Esq. having appeared on behalf of Plaintiffs KELLEY WOODRUFF, M.D. and HAWAII CHILDREN'S BLOOD AND CANCER GROUP;

¹ Kapiolani Medical Specialists 13/15/A

The Court having reviewed and considered the Motion and all submissions and argument related thereto, and being duly advised in the premises, good cause appearing therefor, hereby finds as follows:

(1) that Defendant D&T had a qualified privilege with regard to statements and other information contained in its report that was submitted to Kapiolani/HPH ("Kapiolani");

(2) Pursuant to the engagement letter between Defendant D&T and Kapiolani, and Kapiolani's instructions, Defendant D&T had a private duty to investigate and report to Kapiolani any improprieties regarding billing submissions of its employees;

(3) Kapiolani had a corresponding interest in assuring compliance of its employees with billing requirements, pursuant to the Corporate Integrity Agreement with the Office of the Inspector General of the United States Department of Health and Human Services;

(4) Based on the evidence presented, there is no genuine issue of material fact that Defendant D&T reasonably acted in the discharge of its duty and that the privilege was not abused.

/

/

/

/

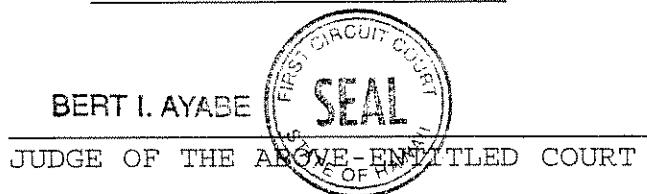
/

/

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the HPH Defendants' Substantive Joinder in the Motion, filed on April 28, 2006 is GRANTED.

DATED: Honolulu, Hawai'i JAN 18 2007



APPROVED AS TO FORM:

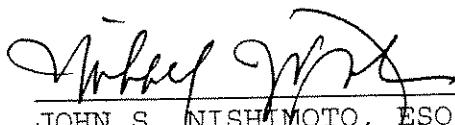
Arleen D. Jouxon-Meyers
ARLEEN D. JOUXON-MEYERS, ESQ.
RAFAEL G. DEL CASTILLO, ESQ.
Attorneys for Plaintiffs
KELLEY WOODRUFF, M.D. and HAWAII
CHILDREN'S BLOOD AND CANCER GROUP

APPROVED AS TO FORM:

Kenneth S. Robbins
KENNETH S. ROBBINS, ESQ.
Attorney for Defendants HAWAII PACIFIC HEALTH,
KAPIOLANI MEDICAL SPECIALISTS, KAPIOLANI
MEDICAL CENTER FOR WOMEN AND CHILDREN, ROGER DRUE,
FRANCES A. HALLONQUIST, NEAL WINN, M.D., and
SHERREL HAMMAR, M.D.

Kelley Woodruff, M.D., et al., Plaintiffs vs. Hawaii Pacific Health, et al., Defendants; Civil No. 02-1-0090-01 (BIA); ORDER GRANTING DEFENDANT DELOITTE & TOUCHE LLP'S MOTION FOR SUMMARY JUDGMENT AS TO COUNT IX (DEFAMATION) OF THE SECOND AMENDED COMPLAINT FILED ON FEBRUARY 17, 2005

APPROVED AS TO FORM:



JOHN S. NISHIMOTO, ESQ.
MICHAEL J. VAN DYKE, ESQ.
Attorneys for Defendant
DENNIS M. WARREN, ESQ.

Kelley Woodruff, M.D., et al., Plaintiffs vs. Hawaii Pacific Health, et al., Defendants; Civil No. 02-1-0090-01 (BIA); ORDER GRANTING DEFENDANT DELOITTE & TOUCHE LLP'S MOTION FOR SUMMARY JUDGMENT AS TO COUNT IX (DEFAMATION) OF THE SECOND AMENDED COMPLAINT FILED ON FEBRUARY 17, 2005